

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MIGUEL ALEJANDRO  
MARTINEZ,

Petitioner,

vs.

JAMES GREG COX, *et al.*,

Respondents.

3:12-cv-00485-LRH-WGC

**ORDER**

Petitioner Miguel Alejandro Martinez has submitted a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. Petitioner appears to challenge the calculation of his sentence (*see* ECF #8). However, he indicated on the face of his petition that he has not filed a direct appeal, nor a state postconviction petition for a writ of habeas corpus. Accordingly, on November 30, 2012, the court issued an order directing petitioner to show cause and file such proof he may have to demonstrate that he has exhausted available state remedies (ECF #7). The court ordered petitioner to respond within 30 (thirty) days and expressly warned petitioner that if he was unable to demonstrate that he has exhausted his state remedies, the petition would be dismissed.

More than the allotted time has passed, and petitioner has not responded to the court's order in any manner. Accordingly, the petition shall be dismissed, without prejudice to petitioner filing a new petition, for failure to obey the court's order.

**IT IS THEREFORE ORDERED** that the petition is **DISMISSED without prejudice** for failure to obey this court's order.

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1       **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as jurists of reason  
2 would not find the court's dismissal of this improperly commenced action without prejudice to be  
3 debatable or incorrect.

4       **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an  
5 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254  
6 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he  
7 submitted in this action.

8       **IT IS FURTHER ORDERED** that the Clerk of Court shall enter final judgment accordingly  
9 in favor of respondents and against petitioner, dismissing this action without prejudice.

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11       DATED this 20th day of February, 2013.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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